

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

DONNA CONRAD, individually and on behalf )  
a class of similarly situated individuals, ) Case No. 08 CV 4986  
)  
Plaintiff, ) Hon. Robert M. Dow, Jr.  
)  
vs. ) Magistrate Judge Cox  
)  
VIRGIN MOBILE USA, INC., a Delaware )  
Corporation, FLYCELL, INC., a Delaware )  
Corporation, )  
Defendants. )

**AGREED MOTION TO EXTEND THE TIME FOR DEFENDANT,**  
**VIRGIN MOBILE USA, INC., TO ANSWER OR OTHERWISE**  
**PLEAD TO PLAINTIFF'S CLASS ACTION COMPLAINT**

Now comes Defendant, Virgin Mobile USA, Inc. ("Virgin Mobile") through its attorneys and with the agreement of Plaintiff, Donna Conrad ("Plaintiff") and her attorneys, moves this Court to extend the time in which this Defendant has to answer or otherwise plead to the complaint to December 16, 2008. In support of this motion, Defendant states the following:

- (1) On July 29, 2008, Plaintiff filed a class action complaint against Virgin Mobile in the Circuit Court of Cook County, Illinois, Chancery Division, and effectuated service of process on Defendant on August 1, 2008;

- (2) Since that date, Plaintiff and Virgin Mobile have entered into discussions regarding a possible settlement of this case and similar cases pending in other states;
- (3) On September 2, 2008, Co-Defendant Flycell, Inc. removed the case to this Court requiring Virgin Mobile to answer or otherwise plead to the Complaint by September 9, 2008;
- (4) Plaintiff and Virgin Mobile have agreed to extend the time in which Virgin Mobile is required to answer or otherwise plead to the complaint to December 16, 2008, in order to facilitate the above-mentioned settlement discussions;
- (5) Co-Defendant, Flycell, Inc., does not oppose Virgin Mobile's Agreed Motion to Extend the Time to Answer or Otherwise Plead;
- (6) Virgin Mobile's motion is not brought to needlessly delay the proceedings and will not prejudice any party. This is Virgin Mobile's first request for any such extension of time.

WHEREFORE Defendant, Virgin Mobile, USA, Inc. respectfully requests this Court to enter an order extending time in which it must answer or otherwise plead to the complaint to December 16, 2008.

Dated: September 5, 2008  
Chicago, Illinois

s/ Mark E. Rakoczy

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**CERTIFICATE OF SERVICE**

Mark E. Rakoczy certifies that on September 5, 2008, he caused true and correct copies of NOTICE OF MOTION and AGREED MOTION TO EXTEND THE TIME FOR DEFENDANT, VIRGIN MOBILE USA, INC., TO ANSWER OR OTHERWISE PLEAD TO PLAINTIFF'S CLASS ACTION COMPLAINT and LOCAL RULE 3.2 NOTIFICATION AS TO AFFILIATES to be served via the Court's CM/ECF system on the following counsel of record:

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s/ Mark E. Rakoczy  
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